

#### State Of Arizona Naturopathic Physicians Medical Board

"Protecting the Public's Health"

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#### Douglas A. Ducey – Governor

Dr. Bruce Sadilek, ND – Chair • Dr. Marianne Marchese, ND – Vice Chair • Dr. Amy Terlisner, ND – Secretary / Treasurer, Dr. John Eldridge, NMD – Physician Member - Brad H. Logan - Public Member, Jamie N. Bennett - Public Member, Karen Tibbitts- Public Member

#### **MINUTES**

#### **BOARD MEETING**

Thursday, March 10, 2016 • 1:00 p.m. • Basement Conference Room B-1 1400 West Washington • Phoenix, AZ 85007

#### 1. Call to Order by Presiding Officer

The meeting was called to order at 1:20 pm.

A. Roll call of Board members and establishment of a quorum to conduct meeting.

		SADILEK Chair	MARCHESE Vice Chair	TERLISNER Sec. /Tres.	ELDRIDGE	LOGAN	BENNETT	TIBBITTS
Present	5	X	X	X			x Via Phone	X
Absent	2				X	X		

B. Acknowledgement of presence of Board staff and legal counsel.
 Mr. Marc Harris, Assistant Attorney General, Ms. Gail Anthony, Executive Director.

#### 2. Civility Statement

In accordance with the Open Meeting Law, the Board has a civility policy that prohibits any type of disorderly conduct that disrupts the Board from carrying out its business. Those violating this policy will be asked to modify their behavior and act civilly. If the disorderly conduct continues, the person may be removed from the meeting room. (Adopted 11/8/2012)

3. Executive Director Report
Status of Administrative Operation
Procedural Matters
Summary of Agency Reports
Budget
Current Licensee Numbers
Current Case Numbers

No Action Required

#### 4. Call to the Public

None requested to speak.

#### 5. Discussion, Consideration, Possible Action by Board of Consent Agenda

(Any item under consent may be removed for independent discussion and action by a Board Member.)

- C. Declaration of any Conflict of Interest on any Item on the Consent Agenda.
- D. Request for Removal of any Consent Agenda Item for independent discussion and possible action by the Board.

Dr. Marchese requested the removal of Frank Tamburri from item 5 (I).

#### E. Discussion, Consideration, Possible Action and by Board of Regular and Executive Session Minutes of January 14, 2016

Dr. Terlisner made a motion to approve the minutes of January 14, 2016. Seconded by Dr. Marchese. Motion Carried

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TERLISNER Sec. /Tres.	ELDRIDGE	LOGAN	BENNETT	TIBBITTS
Yes	5	X	X	X			X	X
No								
Abstain								
Absent	2				X	X		
Recused								

### F. Discussion, Consideration, Possible Action by the Board of Medical License(s) / Examination Application

Harrington, Heather

Highsmith, Tiffany (temporary license issued in accordance with A.R.S. 32-1522.01)

Hoover, Tanisha (temporary license issued in accordance with A.R.S. 32-1522.01)

Minesaki, Andrea- Reinstatement

Price, Thressa (temporary license issued in accordance with A.R.S. 32-1522.01)

Sexton, Trevor (temporary license issued in accordance with A.R.S. 32-1522.01)

Tallcouch, Damon

### G. Discussion, Consideration, Possible Action by the Board of Medical License(s) / Endorsement.

Taylor, Jennifer- NH.

### H. Discussion, Consideration and Possible Action by the Board of Request to Retire Medical License.

Dengler, Melissa

DeVincentis, Laura

D'Huyvetter, Karen

Fisher, Marianna

Groves, Anesia

Potter, Ralph

Rodgers, Sara

#### l. Discussion, Consideration, Possible Action by the Board of Renewal of Medical License

Alhadi, Fatima

Alibrio, Alice

Amerine, Lisa

Baily, Robin

Binder, Tiffany

Borsa, Robin

Brown, Aiyana

Brown, Kimberly

Burton-Teed, Blythe

Buxbaum, Dane

Cain, Briana

Campbell, Erica

Caravone, Kimberly

Champion, Nathan

Champion, Nita

Chelson, Debora

Chinoy, Riyana

Dagstani, Nael

Dallmann, Terra

Davenport, Emily

Ealy, III, Henry

Feria, Lilia

Flores, Filiberto

Gajus, Stephanie

Gerard, Nicole

Glenn, Laura

Graham, Sherdeen

Green, Victoria

Harris Crossley, Megan

Harris, Breckin

Hawkins, Susan

Heffron, Shawn

Hering, Lance

Holder, Autumn

Holiday, Luke

Ipson, Jarom

Issels, Christian

Jain, Suneil

Just, Scott

King, Nicole

Kasian, Stefan

Koudelka, Barbara

LaRoche, Sara

Livengood-Anderson, Elizabeth

Lovick, Ann

Manipon, Nina

Marshall, Sarah

Maschak, Jeannine

Maturo, Lisa

McAllister, Heath

McCarthy, Brendan

McHenry, Schuyler

Meeds, Wilfred

Miller, Rebecca

Minguni, Sibongile

Mobley, Stacy

Mora, Carmen

Muhammad, Kim

Mulkey, Stacy

Mullen, Elissa

Murray, M. Ann

Myatt, Dana

Navarro, Alma

Nelson, William

Nenninger, Steve

Norris, Kristi

Olic, Sandra

Peronel, Magda

Potts, Jeffrey

Pringle, Matesa

Ruiz, Robert

Schwaiger, Timothy

Seder, Jeffrey

Sheehan, James

Sims, Dejarra

Smith, Todd

Stengler, Mark

Stowell, Aaron

Summers, Alisa Joy

Sundermeyer, Zahara

Triscuit, Chad

Truong, Tue

Tucker, Michelle

Vacik, Deborah

Van Der Veer, Karen

Visser, Timothy

Wdowin, Heather

Weiss, S.A. Decker

West, Kirsten

Whaley, Amanda

Whiting, Susan

Whittemore, Ashley

Wiggins, Natalie

Wikramanayke, Lahari

Wilkinson, Charles

Williams, Mercedes

Wilson, Raequi

Wojtowicz, Angela

Worsham, Ayesha

Yerby, Christie

## J. Discussion, Consideration, Possible Action by the Board of Application(s) for Certificate to Dispense (initial)

Kilgore, Jennifer

Sexton, Trevor

### K. Discussion, Consideration, Possible Action by the Board of Application(s) for Renewal of Certificate to Dispense.

McWilliams, Kenneth

### L. Discussion, Consideration, Possible Action by the Board of Application(s) for Preceptorship Certificate.

Cain, Nicole (preceptor)

Chand, Vasundhra (preceptee)

### M. Discussion, Consideration, Possible Action by the Board of Application(s) for Medical Assistant Certificate.

Susan Sanchez, Reinstatement

Dixon, Leanna, Reinstatement

### N. Discussion, Consideration, Possible Action by the Board of Application(s) for Initial and Renewal of Certificate to Engage in a Clinical Training Program.

Cervigni, Maria

Carter, Vanessa

Charles, Phara

George, Marietta

Kennedy, Saun

Le, Hop

Regino, Gabriela

Frank Taburri, Application for renewal of medical license.

Dr. Marchese recused herself. Dr. Sadilek made a motion to approve the application for medical license renewal. Seconded by Ms. Tibbits. Motion Carried 4 Ayes, 2 Absent, 1 Recused.

		SADILEK	MARCHESE	TERLISNER	ELDRIDGE	LOGAN	BENNETT	TIBBITTS
	VOTE	Chair	Vice Chair	Sec. /Tres.				
Yes	4	X		X			X	X
No								
Abstain								
Absent	2				X	X		
Recused	1		X					

#### CONSENT AGENDA VOTE

Dr. Marchese made a motion to approve items 5 F through N. Seconded by Ms. Tibbits. Motion Carried 5 Ayes, 2 Absent.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TERLISNER Sec. /Tres.	ELDRIDGE	LOGAN	BENNETT	TIBBITTS
Yes	5	X	X	X			X	X
No								
Abstain								
Absent	2				X	X		
Recused								

#### 6. Regulatory Matters

- O. Discussion, Consideration, Possible Action by the Board of Investigations and Complaints. (The Board may go into executive session on any of the following items under A.R.S. §38-431.03(A)(2) for discussion of any information made confidential by law.)
  - (1) Dr. Michael Miles, Case No. 15-035 -Formal Interview

Dr. Miles was present. During the discussion, Dr. Terlisner asked Dr. Miles if he knows the acceptable conditions for certification. Dr. Miles stated he did not think so. Dr. Marchese stated she was not comfortable with him moving forward in the practice of medical marijuana certifications. Dr. Sadilek made a motion to issue a Letter of Reprimand along with and order for an additional 10 hours of CME in certification. No one seconded the motion. Dr. Marchese made a motion to issue an order restricting the license for a period of two months. During that time, Dr. Miles could not certify any patient for medical marijuana, and must complete 10 hours of Board Staff pre-approved CME in medical marijuana certification before the license could be reinstated to full scope. Seconded by Dr. Sadilek. Motion Carried 5 Ayes, 2 Absent.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TERLISNER Sec. /Tres.	ELDRIDGE	LOGAN	BENNETT	TIBBITTS
Yes	5	X	X	X			X	X
No								
Abstain								
Absent	2				X	X		
Recused								

#### (2) Dr. Herbert Schuck, Case No. 15-011 -Formal Interview

Dr. Schuck was present with Council; Mr. David Klink. Mr. Klink presented a request for continuance of the matter. Dr. Sadilek made a motion to go into Executive Session for Legal Advice. Seconded by Dr. Terlisner. Motion Carried 5 Ayes, 2 Absent.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TERLISNER Sec. /Tres.	ELDRIDGE	LOGAN	BENNETT	TIBBITTS
Yes	5	X	X	X			X	X
No								
Abstain								
Absent	2				X	X		
Recused								

The Board Returned to Regular Session at 2:05 pm.

Dr. Terlisner stated that in order approve a continuance in the case Dr. Schuck must voluntarily agree not to certify patients for medical marijuana until the Board meets again to continue the Formal Interview. On behalf of his client, Council refused. Dr. Marchese made a motion to deny the request for continuance. Seconded by Dr. Terlisner. Motion Carried 5 Ayes, 2 Absent.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TERLISNER Sec. /Tres.	ELDRIDGE	LOGAN	BENNETT	TIBBITTS
Yes	5	X	X	X			X	X
No								
Abstain								
Absent	2				X	X		
Recused								

Dr. Marchese asked Dr. Schuck if he thought DHS was incorrect in the amount of times he queried the database. Council stated his client would not answer any questions based on the 5th Amendment of the Unlisted States Constitution. Dr. Marchese made a motion to move the matter forward to Formal Hearing. Seconded by Ms. Tibbitts. Motion Carried, 5 Ayes, 2 Absent.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TERLISNER Sec. /Tres.	ELDRIDGE	LOGAN	BENNETT	TIBBITTS
Yes	5	X	X	X			X	X
No								
Abstain								
Absent	2				X	X		
Recused								

#### (3) Dr. Cheryl Kubacz, Case No. 15-012 - Formal Interview

Dr. Kubacz was present. The Board reviewed the expert witness report. Dr. Sadilek asked about the education process Dr. Kubacz used when performing the procedures. Dr. Kubacz explained she takes great effort to education the patient about the procedure and aftercare. The patient is provided educational material, handouts and new products are supplied for home use. She added that this is the first time she has had to prescribe an antibiotic after a procedure like this. Dr. Marchese made a motion to dismiss. Seconded by Ms. Tibbitts. Motion Carried, 5 Ayes, 2 Absent.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TERLISNER Sec. /Tres.	ELDRIDGE	LOGAN	BENNETT	TIBBITTS
Yes	5	X	X	X			X	X
No								
Abstain								
Absent	2				X	X		
Recused								

#### (4) Dr. Darren Hazen, Case No. 15-022 -Formal Interview

Dr. Hazen attended the meeting via phone call from the State of Michigan. Dr. Hazen admitted to writing three prescriptions for a controlled substance, (testosterone) to a family member. Dr. Marchese made a motion to issue a Letter of Reprimand based on A.R.S. 32-1501(31)(vv). Seconded by Dr. Terlisner. Roll Call Vote: Ms. Tibbitts; Aye, Dr. Terlisner; Aye, Dr. Sadilek: Aye, Dr. Marchese; Aye. Motion Carried 4 Ayes, 3 Absent.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TERLISNER Sec. /Tres.	ELDRIDGE	LOGAN	BENNETT	TIBBITTS
Yes	4	X	X	X				X
No								
Abstain								
Absent	3				X	X	X	
Recused								

#### (5) Dr. Nancy Aton, Case No. 15-031 - Investigative Interview

Dr. Terlisner made a motion to move the matter to Formal Interview. Seconded by Dr.

Marchese. Motion Carried 5 Ayes, 2 Absent.

		SADILEK	MARCHESE	TERLISNER	ELDRIDGE	LOGAN	BENNETT	TIBBITTS
	VOTE	Chair	Vice Chair	Sec. /Tres.				
Yes	5	X	X	X			X	X
No								
Abstain								
Absent	2				X	X		
Recused								

#### (6) Dr. Jennifer Burns, Case No. 14-028 - Investigative Interview

Dr. Burns was present, along with her Representation; Ms. Kimberly Kent. Dr. Burns was asked to explain her process of diagnosing and what she believed was appropriate for certification on several cases outlined on the Investigative Report. Dr. Marchese stated she has concerns with how Dr. Burns arrived at some of the diagnosis, when certifying some of the cases. Dr. Terlisner stated she has a big issue with the fact that every certification is for severe and chronic pain, however no documentation substantiating the diagnosis or ruling out why the patient has the pain. Reminding Dr. Burns that pain is a symptom, not a diagnosis. Dr. Marchese made a motion to move the matter to Formal Interview. Seconded by Dr. Terlisner. Motion Carried 5 Ayes, 2 Absent.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TERLISNER Sec. /Tres.	ELDRIDGE	LOGAN	BENNETT	TIBBITTS
Yes	5	X	X	X			X	X
No								
Abstain								
Absent	2				X	X		
Recused								

#### (7) Dr. Heather Crider, Case No. 16-043 - Investigative Interview

Dr. Crider self-reported a cease and desist letter issued to her in the State of Florida for practicing medicine without a license. The State of Florida does not license naturopathic physicians. Dr. Crider does not hold a license in the State of Florida allowing her to practice medicine. While working in an M.D.'s office, as a consultant, her credentials were used on the clinic's website and also present on her consultation agreement. Further, her consultation agreement describes "Naturopathy". Source documents demonstrate Dr. Crider accepted the citation and paid the State of Florida Department of Health the required fine. Dr. Sadilek made a motion to dismiss the case. Seconded by Dr. Terlisner. Motion Carried 4 Ayes, 3 Absent.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TERLISNER Sec. /Tres.	ELDRIDGE	LOGAN	BENNETT	TIBBITTS
Yes	4	X	X	X				X
No								
Abstain								
Absent	3				X	X	X	
Recused								

Dr. Terlisner made a motion to approve the application for licensure renewal. Seconded by Dr. Marchese. Motion Carried. 4 Ayes, 3 Absent.

		SADILEK		TERLISNER	ELDRIDGE	LOGAN	BENNETT	TIBBITTS
	VOTE	Chair	Vice Chair	Sec. /Tres.				
Yes	4	X	X	X				X
No								
Abstain								
Absent	3				X	X	X	
Recused								

#### (8) Dr. Sam Walters, Case No. 15-024 - Investigative Interview

Dr. Walters was present, along with his Representation; Ms. Kimberly Kent. The Executive Director gave the Board a brief overview of the case, advising the Board there was insufficient evidence to support a violation of unprofessional conduct. Dr. Sadilek made a motion to dismiss the case. Seconded by Dr. Terlisner. Motion Carried, 5 Ayes, 2 Absent.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TERLISNER Sec. /Tres.	ELDRIDGE	LOGAN	BENNETT	TIBBITTS
Yes	5	X	X	X			X	X
No								
Abstain								
Absent	2				X	X		

Recused
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- P. Discussion, Consideration, Possible Action on Applications.
  - (1) **Dr. Eldridge,** Application for License Renewal
  - (2) Erika Sykes-McKeen, Application for Reinstatement of Expired License.

    Ms. Sykes-McKeen was present, along with her Representation; Ms. Jessica Miller.

Dr Marchese made a motion to go into Executive Session to discuss confidential information. Seconded by Dr. Terlisner. Motion Carried. 4 Ayes, 3 Absent.

		SADILEK	MARCHESE	TERLISNER	ELDRIDGE	LOGAN	BENNETT	TIBBITTS
	VOTE	Chair	Vice Chair	Sec. /Tres.				
Yes	4	X	X	X				X
No								
Abstain								
Absent	3				X	X	X	
Recused								

The Board returned to Regular Session at 3:40 pm. Ms. Bennett returned to the meeting via phone at this time.

The Board reviewed the professional opinion supplied to the Board, advising Ms. McKeen was fit for re-introduction to patient care. Ms. McKeen confirmed she is on medication for her health and continues to see physicians on a regular basis. She stated if her license was reinstated at this time, she planned to hire another ND to work in her clinic to share patient load and, to hire a medical assistant who would be familiar with naturopathic medicine. Ms. McKeen stated her practice model would be general practice and food allergy testing. Dr. Marchese made a motion to offer a consent agreement for license re-instatement to include quarterly updates to the Board, provided by Ms. McKeen's treating physician, for a period of 1 year.

Seconded by Dr. Terlisner. Ms. Bennett recused herself from voting because she had not participated in the

Executive Session discussion. Motion Carried 4 Ayes, 1 Recused, 2 Absent.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TERLISNER Sec. /Tres.	ELDRIDGE	LOGAN	BENNETT	TIBBITTS
Yes	4	X	X	X				X
No								
Abstain								
Absent	2				X	X		
Recused	1						X	

- (3) **Dr. Marsh-Jones,** Application for licensure renewal without prejudice to any ongoing investigation.
- (4) Gehan Naser-Ahmed, Application for Clinical Training.

Dr. Marchese made a motion to approve the application for clinical entry. Seconded by Dr.

Terlisner. Motion Carried. 5 Ayes, 2 Absent.

		SADILEK	MARCHESE	TERLISNER	ELDRIDGE	LOGAN	BENNETT	TIBBITTS
	VOTE	Chair	Vice Chair	Sec. /Tres.				
Yes	5	X	X	X			X	X
No								
Abstain								
Absent	2				X	X		
Recused								

- (5) **Dr. Heather Crider,** Application for licensure renewal without prejudice to any ongoing investigation.
- **(6) Dr. Richard Hodge,** Application for licensure renewal without prejudice to any ongoing investigation.

### Dr. Marchese made a motion to discuss items 6 (P) (1,3,5,6) Seconded by Dr. Terlisner. Motion Carried 5 Ayes, 2 Absent.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TERLISNER Sec. /Tres.	ELDRIDGE	LOGAN	BENNETT	TIBBITTS
Yes	5	X	X	X			X	X
No								
Abstain								
Absent	2				X	X		
Recused								

# (7) **Michael Allen,** Application for Reinstatement of Licensure, and Consent Agreement. Dr. Marchese made a motion to accept the consent agreement. Seconded by Dr. Sadilek. Motion

Carried. 5 Ayes, 2 Absent.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TERLISNER Sec. /Tres.	ELDRIDGE	LOGAN	BENNETT	TIBBITTS
Yes	5	X	X	X			X	X
No								
Abstain								
Absent	2				X	X		
Recused								

#### (8) Nukleuz Wu, Application for Clinical Training.

Mr. Wu was present. Dr. Marchese asked if there had been any issues with alcohol since 2009, he stated there had not been. Dr. Sadilek made a motion to approve the application for clinical training, Seconded by Dr. Marchese. Motion Carried, 4 Ayes, 3 Absent.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TERLISNER Sec. /Tres.	ELDRIDGE	LOGAN	BENNETT	TIBBITTS
Yes	4	X	X	X				X
No								
Abstain								
Absent	3				X	X	X	
Recused								

#### (9) Lynee Palacios, Application for Clinical Training.

Dr. Marchese made a motion to approve the application for clinical training. Seconded by Dr.

Terlisner. Motion carried 4 Ayes, 3 Absent.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TERLISNER Sec. /Tres.	ELDRIDGE	LOGAN	BENNETT	TIBBITTS
Yes	4	X	X	X				X
No								
Abstain								
Absent	3				X	X	X	
Recused								

### 7. Discussion, Consideration and Possible Action by the Board Regarding Case Update, Dr. Lauri Moody, Case no. 14-015 - Formal Hearing.

A consent agreement for surrender of license, signed by Dr. Moody, was presented to the Board for review and approval. Dr. Terlisner made a motion to accept the consent agreement for surrender of license. Seconded by Dr. Marchese. Motion carried 5 Ayes, 2 Absent.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TERLISNER Sec. /Tres.	ELDRIDGE	LOGAN	BENNETT	TIBBITTS
Yes	5	X	X	X			X	X

No					
Abstain					
Absent	2		X	X	
Recused					

### 8. Discussion, Consideration and Possible Action by the Board Regarding Approval of Schools of Naturopathic Medicine.

Dr. Marchese made a motion to approve the list of schools. Seconded by Dr. Terlisner. Motion carried, 4 Ayes, 3 Absent.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TERLISNER Sec. /Tres.	ELDRIDGE	LOGAN	BENNETT	TIBBITTS
Yes	4	X	X	X				X
No								
Abstain								
Absent	3				X	X	X	
Recused								

### 9. Discussion, Consideration and Possible Action by the Board Regarding Auditor General Follow-up Report.

The Auditor General's recommendation to develop and implement complaint discipline policies and procedures was discussed. After Board review of the draft document outlining discipline policy and procedures, Dr. Terlisner made a motion to approve the document. Seconded by Dr. Marchese. Motion Carried. 4 Ayes, 3 Absent.

		SADILEK	MARCHESE	TERLISNER	ELDRIDGE	LOGAN	BENNETT	TIBBITTS
	VOTE	Chair	Vice Chair	Sec. /Tres.				
Yes	4	X	X	X				X
No								
Abstain								
Absent	3				X	X	X	
Recused								

The Auditor General's recommendation to assess the workload of the Executive Director. The Board determined it will leave any requests for additional staffing/investigative needs, to the discretion of the Executive Director, and would not be further evaluating processes and procedures.

#### 10. Discussion, Consideration and Possible Action by the Board Regarding Legislation.

The Executive Director gave a brief overview of the HB 2501. No Action Required.

The meeting adjourned at 4:50 pm.